IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 461 OF 2007

SHRI SWAYAMBHU SHANKAR MANDIR SWAYAMDEO
A. CHARITABLE PUBLIC TRUST & ORS. .. PETITIONERS

Versus

STATE OF MAHARASHTRA & ORS. .. RESPONDENTS

Mr. A. V. Anturkar i/b V. S. Talkute for petitioners.

Mr. S. A. Sawant for R-7, 8 & 9

Smt. U. V. Kejariwal, APP for R-1 to 6

CORAM:-SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.

DATED:-22/3/2007

P.C.

. We have heard the learned counsel for the parties.

2. In our opinion, the following order should meet the ends of justice.

3. We are informed that application for condonation of delay in filing the appeal against the order dated 29/4/06 passed by the Assistant Charity Commissioner in Enquiry No. 11 of 2003, is pending before the Additional District Judge, Khed.

4. Mr. Anturkar, learned counsel for the petitioners states that the petitioners shall not raise any objection for the condonation of delay. In view of this the learned Judge is directed to pass formal order of condonation of delay and dispose of the said application within two weeks from the date of receipt of this order by him. He shall dispose of the pending appeal within a period of six months from the date of condonation of delay.

5. We also record the statement of Mr. Anturkar that the petitioners waive service in the delay application as well as in the pending appeal. The parties shall remain present before the Additional District Judge, Khed on 11/4/07.

6. The learned Additional District Judge shall dispose of the pending appeal independently and in accordance with law and without being influenced by any orders passed by any court.

7. The parties have agreed that they shall abide by any order which may be passed in the aforesaid appeal subject to the right of appeal of both sides

and subject to their obtaining any appropriate order therein.

8. All contentions of both sides are kept open. Mr. Sawant, learned counsel for respondents 7,8 and 9 states that Criminal Writ Petition No. 446 of 2007 shall be withdrawn in view of today's order.

9. Petition is disposed of.

JUDGE.

JUDGE.